

UNITED STATES DISTRICT COURT
DISTRICT OF RHODE ISLAND

TAMMY CALHOUN,)	
Plaintiff,)	
)	Case No.
v.)	
)	
BEST BUY STORES, L.P., and)	
NATIONAL RETAIL PROPERTIES,)	
Defendants.)	

NOTICE OF REMOVAL

TO: THE CHIEF JUDGE AND JUDGES OF THE UNITED STATES DISTRICT
COURT FOR THE DISTRICT OF RHODE ISLAND

Defendants, Best Buy Stores, L.P., (“Best Buy”) and National Retail Properties, LP, incorrectly sued as “National Retail Properties” (“National”), hereby file this Notice of Removal of the above-captioned action from the Providence/Bristol County Superior Court of the State of Rhode Island to the United States District Court for the District of Rhode Island, pursuant to 28 U.S.C. §§1441 and 1446.

In support of this Notice of Removal, Best Buy and National state the following:

1. Upon information and belief, on January 27, 2022, plaintiff Tammy Calhoun (“Calhoun”) filed a Complaint in the Providence/Bristol County Superior Court of the State of Rhode Island. A copy of the Complaint is attached as Exhibit 1.
2. A copy of the Complaint was served on Best Buy on March 9, 2022. A copy of the Summons also served on Best Buy is attached as Exhibit 2.
3. A copy of the Complaint was served on National on March 9. A copy of the Summons also served on National is attached as Exhibit 3.

3. The Complaint sets forth a cause of action for negligence. (Ex. 1.)

4. The complaint alleges that Calhoun sustained “serious and severe injuries to her person, including, but not limited to, the following injuries: Left hip muscle strain; Lumbar spondylosis with radiculopathy; Fracture of the right-sided pedicle screw at L5; and was otherwise seriously injured, was in great pain of body and mind, was prevented from transacting business, lost wages and incurred expenses for medical attention and hospitalization, which expenses continue to be incurred.” (Ex. 1 ¶16.) Calhoun alleges “permanent injury with future pain and suffering and future medical expenses.” (Ex. 1 ¶17.)

5. The Complaint alleges that Calhoun is an individual and resident of the State of Rhode Island. (Ex. 1 ¶1.)

6. Best Buy Stores, L.P. is a Virginia limited partnership with a principal place of business in Richfield, Minnesota.

7. National Retail Properties is a Delaware limited partnership with a principal place of business in Orlando, Florida.

8. Federal Jurisdiction exists pursuant to 28 U.S.C. §1332 because there is complete diversity of citizenship between Plaintiff and Defendants and, based on the allegations in plaintiff’s Complaint, the amount in controversy, exclusive of interest and costs, exceeds \$75,000.00. The action is removable pursuant to 28 U.S.C. §1441(b) because Defendants are not a Massachusetts citizen.

11. This Notice of Removal has been filed within thirty (30) days after receipt by Best Buy of the Complaint and accordingly is being timely filed pursuant to 28 U.S.C. §1446(b).

12. An as-filed copy of this Notice of Removal will be promptly filed with the Clerk of the Providence/Bristol County Superior Court of the State of Rhode Island and served on counsel of record for plaintiff pursuant to 28 U.S.C. §1446(d).

WHEREFORE, Best Buy and National request removal of the above-captioned matter from the Providence/Bristol County Superior Court of the State of Rhode Island, to the United States District Court for the District of Rhode Island.

Dated: March 24, 2022.

BEST BUY STORES, L.P.,
By its attorney,

/s/ Christopher A. Callanan

Christopher A. Callanan (RI BAR No. 8392)
CALLANAN LAW LLP
177 Huntington Avenue, Suite 1703
PMB 70409
Boston, MA 02115-3153
(617) 330-7575
ccallanan@callanan-law.com

CERTIFICATE OF SERVICE

I certify that I served a copy of the above document to all counsel of record by electronic filing via the ECF system on March 24, 2022.

/s/ Christopher A. Callanan

Christopher A. Callanan

EXHIBIT 1

Case Number: PC-2022-00550
Filed in Providence/Bristol County Superior Court
Submitted: 1/27/2022 1:53 PM
Envelope: 3464001
Reviewer: Victoria H

**STATE OF RHODE ISLAND
PROVIDENCE, SC.**

SUPERIOR COURT

TAMMY CALHOUN,
Plaintiff,

v.

BEST BUY STORES, L.P.
and NATIONAL RETAIL
PROPERTIES,
Defendants.

CA No. PC-2022-_____

COMPLAINT

Parties

1. Plaintiff TAMMY CALHOUN is an individual and resident of the State of Rhode Island.
2. Defendant BEST BUY STORES, L.P. ("BEST BUY") is a foreign limited partnership organized under the laws of the Commonwealth of Virginia and is authorized to do business in the Commonwealth of Massachusetts as well as the State of Rhode Island.
3. Defendant NATIONAL RETAIL PROPERTIES is a foreign business and is authorized to do business in the Commonwealth of Massachusetts as well as the State of Rhode Island.

Jurisdiction

4. Jurisdiction is proper in the Superior Court because the amount in controversy exceeds this court's jurisdictional requirements.
5. Venue is proper in Providence County.
6. Defendants are subject to this court's general personal jurisdiction.

Facts

7. On or about January 30, 2019, at 6:20 pm, Plaintiff was a customer at BEST BUY in North Attleborough, Massachusetts.

Case Number: PC-2022-00550
Filed in Providence/Bristol County Superior Court
Submitted: 1/27/2022 1:53 PM
Envelope: 3464001
Reviewer: Victoria H

8. Upon entering the BEST BUY, Plaintiff stepped in the doorway with her right foot and when she put her left foot down, she slipped and fell.
9. There had been a snow squall earlier that day and the store's entrance had become wet and slippery.
10. Defendants knew or should have known of the dangerous condition that existed at the BEST BUY's store entrance.
11. Defendants did not warn entrants, including Plaintiff, of the dangerous condition by use of caution cones or any other signal of the wet, slippery, and dangerous condition.

COUNT I - Negligence

12. Plaintiff realleges the allegations contained in the foregoing paragraphs and incorporates those allegations by reference as if fully restated herein.
13. Defendants owed a duty to Plaintiff to use reasonable care to maintain its property in a reasonably safe condition in view of all the circumstances. Defendants also owed a duty to Plaintiff to warn of wet, slippery, and dangerous conditions.
14. Defendants breached that duty and failed to use reasonable care by failing to ensure a reasonably safe condition of its premises in view of all the circumstances and to properly clear all common areas of wet, slippery, and dangerous condition.
15. Defendants also breached that duty by failing to warn Plaintiff of the wet, dangerous, and dangerous condition.
16. Solely as a result of Defendants' failure Plaintiff sustained serious and severe injuries to her person, including, but not limited to, the following injuries: Left hip muscle strain; Lumbar spondylosis with radiculopathy; Fracture of the right-sided pedicle screw at L5; and was otherwise seriously injured, was in great pain of body and mind, was prevented

Case Number: PC-2022-00550
Filed in Providence/Bristol County Superior Court
Submitted: 1/27/2022 1:53 PM
Envelope: 3464001
Reviewer: Victoria H

from transacting her business, lost wages and incurred expenses for medical attention and hospitalization, which expenses continue to be incurred.

17. Solely as a result of the aforementioned injuries, Plaintiff has incurred damages, including permanent injury with future pain and suffering and future medical expenses.

WHEREFORE, the Plaintiff prays that, after trial, a judgment be entered in her favor and against Defendants, jointly and severally, and that general and special damages be awarded to the Plaintiff in an amount to be determined at trial, plus interest, and costs.

JURY DEMAND

Plaintiff hereby demands a trial by jury on all claims so triable.

Plaintiff,
By counsel,

/s/ Michael F. Campopiano
Michael F. Campopiano, Esq.
RI Bar No 7853
The Law Offices of Michael F. Campopiano, Inc.
21 Douglas Avenue
Providence, RI 02908
T: (401) 288-3888
E: dpc@mfcclaw.com

Date: January 27, 2022

EXHIBIT 2



**Service of Process
Transmittal**

03/09/2022

CT Log Number 541193105

TO: Legal Sop
Best Buy Enterprise Services, Inc.
7601 PENN AVE S
RICHFIELD, MN 55423-3683

RE: Process Served in Rhode Island

FOR: Best Buy Stores, L.P. (Domestic State: VA)

ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:

TITLE OF ACTION: Re: TAMMY CALHOUN // To: Best Buy Stores, L.P.

DOCUMENT(S) SERVED: Summons, Proof, Attachment(s), Complaint

COURT/AGENCY: State of Rhode Island Superior Court, RI
Case # PC202200550

NATURE OF ACTION: Personal Injury - Failure to Maintain Premises in a Safe Condition

ON WHOM PROCESS WAS SERVED: C T Corporation System, East Providence, RI

DATE AND HOUR OF SERVICE: By Process Server on 03/09/2022 at 15:08

JURISDICTION SERVED : Rhode Island

APPEARANCE OR ANSWER DUE: Within 20 days after service, Exclusive of the day of service

ATTORNEY(S) / SENDER(S): Michael F. Campopiano
The Law Offices of Michael F. Campopiano, Inc.
21 Douglas Avenue
Providence, RI 02908
401-288-3888

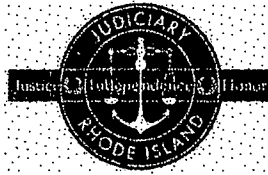
ACTION ITEMS: CT has retained the current log, Retain Date: 03/09/2022, Expected Purge Date:
03/14/2022

Image SOP

Email Notification, Legal Sop ctlegalsop@bestbuy.com

REGISTERED AGENT ADDRESS: C T Corporation System
450 Veterans Memorial Highway
Suite 7A
East Providence, RI 02914
877-564-7529
MajorAccountTeam2@wolterskluwer.com

The information contained in this Transmittal is provided by CT for quick reference only. It does not constitute a legal opinion, and should not otherwise be relied on, as to the nature of action, the amount of damages, the answer date, or any other information contained in the included documents. The recipient(s) of this form is responsible for reviewing and interpreting the included documents and taking appropriate action, including consulting with its legal and other advisors as necessary. CT disclaims all liability for the information contained in this form, including for any omissions or inaccuracies that may be contained therein.



STATE OF RHODE ISLAND
SUPERIOR COURT
SUMMONS

Plaintiff Tammy Calhoun v. Best Buy Stores, L.P. et al. Defendant	Civil Action File Number PC-2022-00550 Attorney for the Plaintiff or the Plaintiff Michael F. Campopiano Address of the Plaintiff's Attorney or the Plaintiff 21 Douglas Ave PROVIDENCE RI 02908
Licht Judicial Complex Providence/Bristol County 250 Benefit Street Providence RI 02903 (401) 222-3250	Address of the Defendant C/O C Corporation System 450 Veterans Memorial Parkway Suite 7A East Providence RI 02914

TO THE DEFENDANT, Best Buy Stores, L.P.:

The above-named Plaintiff has brought an action against you in said Superior Court in the county indicated above. You are hereby summoned and required to serve upon the Plaintiff's attorney, whose address is listed above, an answer to the complaint which is herewith served upon you within twenty (20) days after service of this Summons upon you, exclusive of the day of service.

If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Your answer must also be filed with the court.

As provided in Rule 13(a) of the Superior Court Rules of Civil Procedure, unless the relief demanded in the complaint is for damage arising out of your ownership, maintenance, operation, or control of a motor vehicle, or unless otherwise provided in Rule 13(a), your answer must state as a counterclaim any related claim which you may have against the Plaintiff or you will thereafter be barred from making such claim in any other action.

This Summons was generated on 1/27/2022.	/s/ Stephen Burke Clerk
--	----------------------------

Witness the seal/watermark of the Superior Court

A True Copy Attest
 James Sylvester
 1103 Date 3/9/22



STATE OF RHODE ISLAND
SUPERIOR COURT

Plaintiff

Tammy Calhoun

v.

Best Buy Stores, L.P. et al.

Defendant

Civil Action File Number

PC-2022-00550

PROOF OF SERVICE

I hereby certify that on the date below I served a copy of this Summons, complaint, Language Assistance Notice, and all other required documents received herewith upon the Defendant, Best Buy Stores, L.P., by delivering or leaving said papers in the following manner:

☐ With the Defendant personally

☐ At the Defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein

Name of person of suitable age and discretion _____

Address of dwelling house or usual place of abode _____

Age _____

Relationship to the Defendant _____

☐ With an agent authorized by appointment or by law to receive service of process

Name of authorized agent _____

If the agent is one designated by statute to receive service, further notice as required by statute was given as noted below.

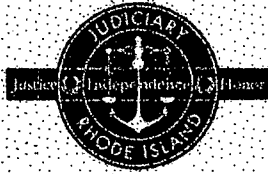
☐ With a guardian or conservator of the Defendant

Name of person and designation _____

☐ By delivering said papers to the attorney general or an assistant attorney general if serving the state.

☐ Upon a public corporation, body, or authority by delivering said papers to any officer, director, or manager.

Name of person and designation _____



STATE OF RHODE ISLAND
SUPERIOR COURT

Upon a private corporation, domestic or foreign:

☐ By delivering said papers to an officer or a managing or general agent.

Name of person and designation _____

☐ By leaving said papers at the office of the corporation with a person employed therein.

Name of person and designation _____

☐ By delivering said papers to an agent authorized by appointment or by law to receive service of process.

Name of authorized agent _____

If the agent is one designated by statute to receive service, further notice as required by statute was given as noted below.

☐ I was unable to make service after the following reasonable attempts: _____

SERVICE DATE: _____

Month Day Year

SERVICE FEE \$: _____

Signature of SHERIFF or DEPUTY SHERIFF or CONSTABLE _____

SIGNATURE OF PERSON OTHER THAN A SHERIFF or DEPUTY SHERIFF or CONSTABLE MUST BE NOTARIZED

Signature _____

State of _____

County of _____

On this _____ day of _____, 20____, before me, the undersigned notary public, personally appeared _____

or ☐ proved to the notary through satisfactory evidence of identification, which was _____

_____ to be the person who signed above in my presence, and who swore or affirmed to the notary that the contents of the document are truthful to the best of his or her knowledge.

Notary Public: _____

My commission expires: _____

Notary identification number: _____

EXHIBIT 3

**CORPORATE CREATIONS^{LLC}**

Registered Agent • Director • Incorporation

Corporate Creations Network Inc.

801 US Highway 1 North Palm Beach, FL 33408

National Retail Properties, Inc.
 Krislin Szalajko
 National Retail Properties, Inc.
 450 S. Orange Avenue, Ste. 900
 Orlando FL 32801

03/10/2022

SERVICE OF PROCESS NOTICE

The following is a courtesy summary of the enclosed document(s). ALL information should be verified by you.

Item: 2022-41

Note: Any questions regarding the substance of the matter described below, including the status or how to respond, should be directed to the contact set forth in line 12 below or to the court or government agency where the matter is being heard. IMPORTANT: All changes or updates to the SOP contact individuals or their contact information must be submitted in writing to SOPcontact@corpcreations.com. Any changes will become effective upon written confirmation of Corporate Creations.

1.	Entity Served:	National Retail Properties, Inc.
2.	Title of Action:	Tammy Calhoun vs. Best Buy Stores, L.P. and National Retail Properties
3.	Document(s) Served:	Summons Proof of Service Complaint
4.	Court/Agency:	Rhode Island Superior Court
5.	State Served:	Rhode Island
6.	Case Number:	PC-2022-00550
7.	Case Type:	Negligence/Personal Injury
8.	Method of Service:	Hand Delivered
9.	Date Received:	Wednesday 03/09/2022
10.	Date to Client:	Thursday 03/10/2022
11.	# Days When Answer Due: Answer Due Date:	20 Tuesday 03/29/2022 CAUTION: Client is solely responsible for verifying the accuracy of the estimated Answer Due Date. To avoid missing a crucial deadline, we recommend immediately confirming in writing with opposing counsel that the date of the service in their records matches the Date Received.
12.	Sop Sender: (Name, City, State, and Phone Number)	Michael F. Campopiano Providence, RI 401-288-3888
13.	Shipped To Client By:	Email Only with PDF Link
14.	Tracking Number:	
15.	Handled By:	401
16.	Notes:	None.

NOTE: This notice and the information above is provided for general informational purposes only and should not be considered a legal opinion. The client and their legal counsel are solely responsible for reviewing the service of process and verifying the accuracy of all information. At Corporate Creations, we take pride in developing systems that effectively manage risk so our clients feel comfortable with the reliability of our service. We always deliver service of process so our clients avoid the risk of a default judgment. As registered agent, our role is to receive and forward service of process. To decrease risk for our clients, it is not our role to determine the merits of whether service of process is valid and effective. It is the role of legal counsel to assess whether service of process is invalid or defective. Registered agent services are provided by Corporate Creations Network Inc.



STATE OF RHODE ISLAND
SUPERIOR COURT
SUMMONS

Plaintiff Tammy Calhoun v. Best Buy Stores, L.P. et al. Defendant	Civil Action File Number PC-2022-00550 Attorney for the Plaintiff or the Plaintiff Michael F. Campopiano Address of the Plaintiff's Attorney or the Plaintiff 21 Douglas Ave PROVIDENCE RI 02908
Licht Judicial Complex Providence/Bristol County 250 Benefit Street Providence RI 02903 (401) 222-3250	Address of the Defendant C/O Corporate Creations Network Inc 10 Dorrance Street Suite 700 Providence RI 02903

TO THE DEFENDANT, National Retail Properties:

The above-named Plaintiff has brought an action against you in said Superior Court in the county indicated above. You are hereby summoned and required to serve upon the Plaintiff's attorney, whose address is listed above, an answer to the complaint which is herewith served upon you within twenty (20) days after service of this Summons upon you, exclusive of the day of service.

If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Your answer must also be filed with the court.

As provided in Rule 13(a) of the Superior Court Rules of Civil Procedure, unless the relief demanded in the complaint is for damage arising out of your ownership, maintenance, operation, or control of a motor vehicle, or unless otherwise provided in Rule 13(a), your answer must state as a counterclaim any related claim which you may have against the Plaintiff, or you will thereafter be barred from making such claim in any other action.

This Summons was generated on 1/27/2022.	/s/ Stephen Burke Clerk
--	----------------------------

Witness the seal/watermark of the Superior Court

True Copy Attest:
 James Sylvester
 Date 3/9/22



**STATE OF RHODE ISLAND
SUPERIOR COURT**

Plaintiff

Tammy Calhoun

v.

Best Buy Stores, L.P. et al.

Defendant**Civil Action File Number**

PC-2022-00550

PROOF OF SERVICE

I hereby certify that on the date below I served a copy of this Summons, complaint, Language Assistance Notice, and all other required documents received herewith upon the Defendant, National Retail Properties, by delivering or leaving said papers in the following manner:

☐ With the Defendant personally.

☐ At the Defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.

Name of person of suitable age and discretion _____

Address of dwelling house or usual place of abode _____

Age _____

Relationship to the Defendant _____

☐ With an agent authorized by appointment or by law to receive service of process.

Name of authorized agent _____

If the agent is one designated by statute to receive service, further notice as required by statute was given as noted below.

☐ With a guardian or conservator of the Defendant.

Name of person and designation _____

☐ By delivering said papers to the attorney general or an assistant attorney general if serving the state.

☐ Upon a public corporation, body, or authority by delivering said papers to any officer, director, or manager.

Name of person and designation _____



STATE OF RHODE ISLAND
SUPERIOR COURT

Upon a private corporation, domestic or foreign:

- ☐ By delivering said papers to an officer or a managing or general agent.

Name of person and designation _____

- ☐ By leaving said papers at the office of the corporation with a person employed therein.

Name of person and designation _____

- ☐ By delivering said papers to an agent authorized by appointment or by law to receive service of process.

Name of authorized agent _____

If the agent is one designated by statute to receive service, further notice as required by statute was given as noted below.

- ☐ I was unable to make service after the following reasonable attempts: _____

SERVICE DATE: _____

Month Day Year

SERVICE FEE \$: _____

Signature of SHERIFF or DEPUTY SHERIFF or CONSTABLE _____

SIGNATURE OF PERSON OTHER THAN A SHERIFF or DEPUTY SHERIFF or CONSTABLE MUST BE NOTARIZED.

Signature _____

State of _____

County of _____

On this _____ day of _____, 20____, before me, the undersigned notary public, personally appeared _____ ☐ personally known to the notary or ☐ proved to the notary through satisfactory evidence of identification, which was _____ to be the person who signed above in my presence, and who swore or affirmed to the notary that the contents of the document are truthful to the best of his or her knowledge.

Notary Public: _____

My commission expires: _____

Notary identification number: _____